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ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Before Sinai: Jewish Values and Jewish Law**

**By Rav Dr. Judah Goldberg**

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Dedicated in memory of Rabbi Jack Sable z”l and

Ambassador Yehuda Avner z”l

By Debbie and David Sable

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**Shiur #27: The Land of Israel (10)**

**Withdrawing from the Land of Israel**

In the [previous *shiur*](https://etzion.org.il/en/shiur-26-land-israel-9-yishuv-eretz-yisrael), we explored different approaches to *yishuv Eretz Yisrael* (the settling of the Land of Israel). In this *shiur*, we will apply our largely theoretical discussion to analysis of one of the most divisive issues in modern Israeli society: proposals to forfeit government control over parts of the Land of Israel in pursuit of increased security and political stability.

While the topic of *yishuv Eretz Yisrael* interested scholars long before the twentieth century, it became a subject of intense, renewed scrutiny after the State of Israel’s military victories in 1967. As political interest in possibly relinquishing newly conquered territories surfaced, scholars sought to precisely define Jewish responsibilities towards the Land, as well as the circumstances in which they may be overridden. A debate developed between R. Joseph B. Soloveitchik in the United States, who was willing to entertain the possibility of land forfeiture, and Religious Zionist figures in Israel, led by R. Tzvi Yehuda Kook (Rosh Yeshiva of Yeshivat Mercaz Ha-Rav),[[1]](#footnote-2) who took a much more restrictive stance.

In this *shiur*, we will examine some of the primary arguments in this debate and attempt to cast new light upon them through the prisms of *berit Avot* and *berit Sinai.* I will rely, in part, on the meticulous scholarship of R. Dr. Kalman Neuman and R. Yair Kahn, who trace the opposing positions of R. Joseph B. Soloveitchik and his students and R. Tzvi Yehuda Kook and his adherents from the aftermath of the Six-Day War to the withdrawal from Gaza in 2005.[[2]](#footnote-3)

**Land for Peace?**

How we frame the imperative to conquer and settle the Land of Israel has tremendous implications for suggestions that the State of Israel could benefit from ceding territory that it captured in 1967. Of course, the multitude of political, sociological, ideological and security considerations that must be weighed make any such decision enormously complex, and Israeli society has remained divided on this issue for more than fifty years.

However, at least one school of thought, strongly represented by students and associates of R. Tzvi Yehuda Kook, has consistently argued that ceding captured territory is simply halakhically impermissible, even if we were to judge it pragmatically as the superior option. As the Ramban formulates a commandment to conquer the Land and not leave it in foreign hands, ceding territory is absolutely forbidden, with the imprimatur of law, under almost all circumstances. Furthermore, this position maintains, as war presumes casualties — a point made by the Minchat Chinukh (#425) — the Ramban’s label of *milchemet mitzva* means that even the goal of *pikuach nefesh* (“preservation of life”) cannot justify territorial withdrawal.[[3]](#footnote-4)

Several scholars, including *mori ve-rabbi* R. Aharon Lichtenstein and *mori ve-rabbi* R. Yehuda Amital, raise a number of different critiques of this line of reasoning.[[4]](#footnote-5) Briefly:

1. Other authorities do not agree with the Ramban’s characterization of *yishuv Eretz Yisrael*.
2. The Ramban might agree that the imperative to wage war for the sake of conquering the Land of Israel was suspended by exile. Only the personal duty to dwell in the Land persists in our current situation.[[5]](#footnote-6)
3. Even if the imperative to wage war still applies, we cannot fulfill the conditions of a *milchemet mitzva*, such as the requirement for Divine consultation via the *urim ve-tummim* in the High Priest’s breastplate.[[6]](#footnote-7)
4. Modern political sovereignty may not qualify as conquest of the Land, and thus relinquishing control would not necessarily constitute its nullification.
5. The Ramban’s admonition that “we may not leave it in the hands of another nation” refers to situations of willful apathy. Calculated, albeit painful, political compromise would not amount to a breach of the Ramban’s mitzva.
6. The Minchat Chinukh’s conclusion is contestable. While war indeed presumes casualties, this is merely a reflection of the nature of warfare, not of the supreme value of any goal for which war may be waged.[[7]](#footnote-8) Thus *yishuv Eretz Yisrael* may still be overridden by considerations of *pikuach nefesh*, just like most other *mitzvot*.
7. Even according to the Minchat Chinukh’s reasoning, it is inconceivable that military and political leaders would not have leeway in choosing their battles and determining which victories may not be worth their price in blood.

Accepting any one of these counterarguments effectively neutralizes the halakhic argument against territorial compromise for the sake of *pikuach nefesh* and leads, instead, to the position articulated by R. Joseph B. Soloveitchik soon after the Six-Day War: “It is prohibited for rabbis, or anyone else, to declare in the name of Torah that not even a single parcel of land should be returned if a stable peace could save the lives of thousands and tens of thousands of our brethren who dwell in Zion.”[[8]](#footnote-9)

**Ramban or Scripture?**

More importantly, however, some of these scholars seem to more intuitively resist the reflex to cast *yishuv Eretz Yisrael* in halakhic terminology at all, especially regarding the wholeness of the Land. Regarding the spontaneous celebrations on 29 November, 1947, in reaction to the United Nations’ approval of the Partition Plan for Palestine, R. Amital said: “We weren't rejoicing because of what the Ramban taught, but rather because of the fulfillment of Herzl's vision.” In contrast to R. Tzvi Yehuda Kook, who saw the partition of the Land as a tragedy (*Eretz Ha-tzevi,* 2), R. Amital continued: “We — the simple Jews among whom I regard myself — didn't know about the Ramban. We knew that there was Israeli independence, Jewish sovereignty in our land — and we rejoiced over that.”[[9]](#footnote-10)

Years later, he expressed concern about a general trend towards halakhic formalism and its impact upon Zionism:

Religious Zionist ideology has also been influenced by the attitude that there is no more to Judaism than halakha. Zionism itself has been redefined in terms of halakhic obligation, and the words of the Ramban that the mitzva of settling and conquering the Land is perpetually in force have turned into a central principle of Religious Zionist philosophy and Religious Zionist education.[[10]](#footnote-11)

I sense a similar resistance to overly formalizing our commitment to the Land of Israel in the words of R. Soloveitchik:

One does not have to be a Rabbi or a halakhic decisor to know that the Land of Israel was granted to us in its entirety. Even a young school child who studies *Parashat Lekh Lekha* knows about the promise of the Land to our forefather Avraham and about the principle that “the Land of Israel is held” by us from [the time of] our ancestors.[[11]](#footnote-12) (Letter to Professor Simon, 186)

In another venue, the Rav more explicitly contrasts the approach of those who champion the Ramban with an approach that appeals to more fundamental sources. He asserts that our claim on the Land of Israel “is not because of what we find in the Ramban, but because every verse in the Torah testifies that *Eretz Yisrael* belongs to us” (quoted by R. Kahn and R. Neuman, “A Rabbinic Exchange,” 164n). For both the Rav and R. Amital, preoccupation with the Ramban’s gloss to *Sefer Ha-mitzvot* ultimately distorts the basis and nature of Religious Zionism and leads to halakhic declarations where none should exist.

***Yishuv Eretz Yisrael* as a Value**

Of course, at the same time that this latter school of thought frees Israel’s political leaders from specific halakhic directives, it also bears the onus of providing an alternative framework for discussion of our commitment to the Land of Israel. This, in fact, constitutes a major critique by the “Mercaz Ha-Rav” camp of R. Lichtenstein and R. Amital’s approach. If one does not embrace a halakhic imperative to settle the Land despite serious dangers, it claims, then the only alternative is a pacifist philosophy which could never have countenanced the founding of Yeshivat Har Etzion (which R. Amital and R. Lichtenstein headed) in the West Bank in 1968, let alone the 1948 War of Independence![[12]](#footnote-13)

In response, I would suggest that we can appeal to *berit Avot*. Even if Jewish law does not demand a specific stance regarding territorial compromise, this doesn’t mean that *yishuv Eretz Yisrael* is a value-neutral enterprise that can be guiltlessly abandoned at the first sign of trouble. Rather, our understanding of Jewish destiny that emerges from *berit Avot* attaches us to our beloved land, on both the public and private levels. One does not need to know a mishna from *Keilim* to feel spiritual elevation in the Land or the Rambam’s ruling about ordination to recognize the Land’s centrality to the Jewish national story. Similarly, to echo the Rav, one does not need to side with the Ramban in order to sacrifice, even supremely, for the sake of the Land and its inhabitation. One merely needs to embrace the legacy of our forefathers and the substance of God’s covenant with them.

Thus a **value** of *yishuv Eretz Yisrael*, even without an explicit commandment, can explain the modern resettlement of the Land of Israel (by both Zionists and non-Zionists!), but it also introduces a degree of ambiguity and nuance to our political decisions which the halakhic approach denies. As values in general are less rigid than laws, *berit Avot* will not offer definite answers to every question that arises. Territorial compromise may be advisable in some circumstances and less so in others; of course, a conclusion that it is never justifiable is also plausible within this framework. Furthermore, a value of *yishuv Eretz Yisrael* may at times compel us **more** than the law does, not less. For instance, ideologies that neutralize the Ramban’s view and the implications of his classification do not absolve themselves of responsibilities towards the Land of Israel. They still need to answer to the calling of *berit Avot* at this particular juncture in history, however they choose to interpret it.

**When Values Conflict**

In addition, as we emphasized in *shiur* #5, competing values, in contrast to halakhic obligations, do not come with any simple decoder for resolving conflicts between them. This is true for conflicts between values of *berit Avot*, but it can also be true for conflicts between different dimensions **within** a particular value. As we have analyzed at length, *berit Avot* presents a multifaceted approach to the Land of Israel, and not all aspects are always aligned in practice.

R. Amital addressed the first kind of conflict explicitly. He was very concerned about tradeoffs between the value of settling the Land and the value of Jewish peoplehood. He saw a preoccupation with holding and settling every piece of the Land of Israel as coming at a cost to Jewish unity, support of Zionism, and the survival of Jewish identity in the Diaspora. Following the First Lebanon War of 1982, he lamented that the religious Zionist community “speaks at length about threats to the wholeness of the Land of Israel, but hardly a concern is heard about threats to the wholeness of the Jewish people” (“*Messer Politi o Messer Chinukhi*,” 50). Furthermore, he set down his own organizing principles:

I feel an obligation to publicly declare that there is a hierarchy of values in Judaism, and one who does not “separate between holy and holy” will ultimately not “separate between holy and profane.” The hierarchical order of the three values that we are discussing is: (1) [The people of] Israel, (2) Torah and (3) the Land of Israel. The interests of the Jewish nation take precedence over the interests of the Land of Israel. (42-43)

Therefore, R. Amital continued, the State of Israel has to take the repercussions of its actions on Diaspora Jewry into account. Strengthening and perpetuating Jewish identity among world Jewry, whether through promoting *aliya* (immigration to Israel) or other means, must take priority over extending or protecting the territorial hold of the State of Israel.[[13]](#footnote-14)

Thus R. Amital also took a definite stand on a related issue. Given a theoretical choice between “more Jews in the Land of Israel with less holy ground under Jewish control or less Jews in the Land of Israel and more holy ground under Jewish control, we should prefer the first option” (43). For R. Amital, this is because he prioritized the people of Israel over the Land of Israel, and he saw increased *aliya* as integral to the Jewish people’s long-term survival. However, he admitted, the same question could be asked purely with regard to the internal interests of the Land itself, and with no clear, decisive answer (50-51).

In our terminology, we can ask what is more important for the Land — an emphasis on the sanctified soil itself (category #5, and perhaps category #3), or an emphasis on the Land as a place of *tzibbur* (category #2)? As different elements **within** the value of the Land of Israel, they each reflect a deep and loving commitment to our Land, and the descendants of Avraham can differ on which one should take precedence in general or in any particular context. In fact, one senses that this issue is what truly divides the opposing Religious Zionist approaches we have outlined, more than their divergent readings of the Ramban’s gloss to the Rambam’s *Sefer Ha-mitzvot* or other relevant texts. If R. Amital rejoiced in 1947 while R. Kook cried, I would speculate that this partly reflects different emphases within the value of the Land of Israel itself.[[14]](#footnote-15)

There is an additional corollary to thinking of *yishuv Eretz Yisrael* as a value, rather than as a law. As we highlighted in *shiur* #5, even if one chooses to prioritize one value over another, the latter is not vanquished completely. Whereas laws are organized hierarchically, with some trumping others, the pluralistic nature of values means that prioritization does not lead to negation and necessarily comes with a palpable cost. One who violates Shabbat in order to save a life should not feel pangs of guilt,[[15]](#footnote-16) and one who narrowly concludes that security concerns override a mitzva of *yishuv Eretz Yisrael* may similarly be able to relinquish territory without remorse. However, if we relate to *yishuv Eretz Yisrael* as a value, then compromising on the Land of Israel is inherently painful under all circumstances.

Thus R. Lichtenstein, while unabashedly supportive of efforts to seek a political solution for the conquered territories, was equally emphatic that this cannot come from a diluted sense of responsibility towards the Land:

There is no corner, no stone, no clod of earth that can be given up easily, with a sigh of relief... We must never be indifferent to the fate of the Land of Israel*.* We must never say, "So it's a little bit bigger, so it's a little bit smaller, so it includes this part, so it doesn't include that part; what's the difference?" For how can Jews be indifferent to parts of the Land of Israel? (“Compromise and Concession”)

According to R. Lichtenstein, a true master of pluralistic thinking, readiness to compromise does not negate the inherent value of the Land. Strikingly, R. Lichtenstein referred admiringly in this context to R. Kook’s distress over the Partition Plan![[16]](#footnote-17) R. Lichtenstein firmly identified with the objective, core value that drove R. Kook’s orientation, even as he disagreed with the latter’s actual policies.[[17]](#footnote-18)

**Halakhic Formalism in the Land of Israel?**

Finally, the debate over withdrawing from the Land of Israel returns us to a familiar topic from the beginning of this series (*shiur* #2). To recap, an articulation of *berit Avot* is an answer to a specific problem: how do we respond to a dilemma that Jewish law does not seem to adequately address but that instinctively seems laden with moral or religious overtones? However, we also reviewed other possible solutions to this problem, including its simple rejection. That is, according to halakhic formalism, Halakha by definition establishes the full extent of Jewish responsibility. Our calling is to study Halakha comprehensively and apply it creatively and exhaustively in every situation; but where halakhic categories end, so does personal duty.

According to R. Kahn and R. Neuman, tendencies towards or away from halakhic formalism play a significant role in the positions regarding territorial compromise we outlined above. For example, in contrast to R. Soloveitchik’s appeal to rabbis to stay out of political decisions about territorial compromise, R. Avraham Shapira — R. Tzvi Yehuda Kook’s successor at Mercaz Ha-Rav — stated:

For anyone who has the hint of a scent of Torah, it is well known that every question in the world has a solution in the Torah… especially as virtually every problem has some direct or indirect repercussion to a specific halakhic norm. (Quoted in R. Kahn and R. Neuman, “A Rabbinic Exchange,” 162)

In this case, the solution is a legal prohibition that applies in all but the direst of circumstances, according to R. Shapira, and which alone should direct all decisions regarding the Land.

Similarly, R. Shapira and R. Lichtenstein took opposing views with regard to the removal of Jewish settlements from the Gaza Strip in 2005. Whereas R. Shapira issued a definitive ruling that participation in their evacuation is halakhically forbidden, R. Lichtenstein felt that Jewish law gives enough leeway to the Israeli government to authorize a withdrawal. As he later clarified in a published exchange of letters with R. Shapira’s student and grandson-in-law R. Avraham Sylvetsky, this does not mean that the government has free license to act as it pleases, but that it has the right and even the responsibility to pursue the State’s best interests in every situation (“A Rabbinic Exchange on the Gaza Disengagement,” 42).

R. Lichtenstein does not elaborate in this context about the principles that should guide, or constrain, agents of the State in their decision-making, other than security issues. A student of his, R. Yuval Cherlow, adds a different point:

There are extreme, catastrophic situations in which an [Israeli] government may say that it cannot fulfill the mitzva of settling the Landto its fullest…. But this is on condition that the point of departure be a sense of responsibility towards the Land of Israel. We bear responsibility — halakhic, moral, historic — toward the Land.[[18]](#footnote-19)

Without discussing the particulars of this standard,[[19]](#footnote-20) I would assert that what R. Cherlow is seeking is a commitment to the elements of *berit Avot*. Even when *berit Sinai* does not dictate a definite course of action, the full range of *berit Avot* establishes the overarching principles that must frame our discourse. More, *berit Avot* can provide a basis for dialogue between all Zionists, whether religious or secular. In *shiur* #17, we identified the value of Jewish peoplehood as a core component, and thus a unifying force, of all strains of Zionism. R. Cherlow, it seems, is suggesting that commitment to the Land itself is similarly fundamental.

In any case, R. Kahn and R. Neuman summarize R. Lichtenstein’s stance:

Rav Lichtenstein sees the mitzva to inherit the land in its entirety (even in the context of a *milchemet mitzva*) not as an imperative which puts a government on "automatic pilot," but rather as a goal whose complete attainment must be weighed in light of military, political, social and economic circumstances. (179)

From R. Lichtenstein’s letters, R. Kahn and R. Neuman observe, we do not learn his precise understanding of *yishuv Eretz Yisrael* and its exact boundaries. What is clear, however, is that R. Lichtenstein readily admits the limits of halakhic categories in this context and cedes considerable maneuvering room to the best judgments of politicians and their advisers.

R. Sylvetsky, on the other hand, seems much more reluctant to leave the familiar territory of halakhic formulations. He rejects degrees of nuance that R. Lichtenstein introduces, regarding both security concerns and *yishuv Eretz Yisrael*, that do not stem directly from recognized halakhic categories. Furthermore, when R. Sylvetsky does concede a practical limitation to halakhic thinking — due to factual uncertainty — his solution is quintessentially halakhic as well: In cases of “doubt,” one must do nothing (“*shev ve-al ta’aseh adif*”), in which case the Gush Katif settlements should have been left alone (“A Rabbinic Exchange on the Gaza Disengagement,” 32-33). R. Lichtenstein, for his part, refuses to believe that the politics of a state can be managed by a blanket insistence on passivity whenever some variables remain unknown. While neither R. Lichtenstein nor R. Sylvetsky explicitly address the concept of halakhic formalism in these letters, the reader senses that the unspoken gap between them on this issue leaves them knowingly talking past each other.

**Law, Values and Compromise**

As a caveat, it is important to note that one’s stance on halakhic formalism does not necessarily predetermine one’s position on territorial compromise. One can accept halakhic formalism yet rule against the Ramban’s view, or at least against the more extreme interpretations of his position. Holding on to territory, then, becomes either a total *devar reshut* (a matter of choice) or at most an obligation that gives way in the face of danger to life. This latter formulation approaches the position of R. Soloveitchik and R. Lichtenstein, but the distinction, R. Neuman notes, is crucial. Whereas R. Soloveitchik and R. Lichtenstein deliberately leave decisions to government and military officials, halakhic formalism will insist that the calculation is ultimately a **halakhic** one and therefore belongs to rabbinic authorities. Security figures, in this view, are reduced to mere consultants, whose role parallels that of a doctor whose input is sought regarding a medical situation. These experts can at most (but not necessarily!) clarify facts, but actual decision-making authority rests with halakhic decisors (*Territorial Concessions*, 59-70).

For example, R. Ovadya Yosef maintained that *pikuach nefesh* may indeed justify territorial withdrawal.[[20]](#footnote-21) However, R. Neuman understands, the relevance of this factor in any given scenario is for a rabbinic authority to decide, based on the security assessments he collects. Therefore, regarding the Disengagement from Gaza, R. Ovadya declared that one is “obligated to vote against the plan. Whoever hears my voice must know: this is *da’at Torah* (the opinion of Torah).”[[21]](#footnote-22)

On the flipside, one may embrace a broad understanding of the value of the Land of Israel in Judaism but fiercely oppose territorial withdrawals for that very reason. In excess, one can focus solely on these values at the total expense of halakhic thinking. R. Soloveitchik is probably alluding to this possibility when he states, “Historical sentiments, without accounting for reasons and considerations of defense, are not binding with regards to the question of the security of the State and its inhabitants” (Letter to Professor Simon, 186). I presume that R. Soloveitchik is not promoting narrow halakhic formalism, but rather is reminding us that when halakhic principles — such as *pikuach nefesh* — apply, extra-legal arguments cannot dominate. Jewish values can complement Jewish law, but they cannot overtake it.

More generally, the broad, complex challenges that face the Jewish people and the State of Israel today require the careful balancing of *berit Avot* and *berit Sinai*. *Berit Sinai* without *berit Avot* (or an alternative framework of values) produces strict formalism, while *berit Avot* without a sophisticated understanding and application of *berit Sinai* yields empty pronouncements. Furthermore, simply knowing what kind of balance any given situation calls for is no easy task. Some circumstances are governed primarily by law, but just minor alterations in a few variables can neutralize the halakhic considerations and shift the focus to the realm of values. Yet again we conclude that rigorous legal scholarship is absolutely mandatory for this vision, but it is also not sufficient. Only through an honest and careful reading of Halakha which recognizes both its breadth and its limits, coupled with a deep reading of Jewish values, can we seek to offer comprehensive (though not exclusive or definitive) responses to the most vexing problems of our day.

**For Further Thought:**

1. That the Land of Israel is the locus of Jewish destiny is certainly central to *berit Avot*. However, is a specific commitment to the entire territory of the Land also a part of *berit Avot*? If so, in what sense? Can it be expected of even secular Zionists, as R. Cherlow contends? See R. Neuman, *Territorial Concessions*, 68.

2. In *shiur* #2, we encountered R. J. David Bleich as a proponent of halakhic formalism in the ethical context. How does he relate to *yishuv Eretz Yisrael* and the possibility of territorial compromise? See his “Judea and Samaria: Settlement and Return,” *Contemporary Halakhic Problems,* Vol. 2(New York, 1983), 189-221 (especially 199-204) and “Of Land, Peace, and Divine Command,” *Journal of Halacha and Contemporary Society* 16 (Fall 1988), 56-70, as well as his subsequent exchange of letters with R. Aaron Schreiber in Vol. 18 (Fall 1989), 77-110 (especially 93-97 and 109-110).

3. Much more has been written about the Ramban’s position on settling the Land and its relevance to the modern situation, as well as about withdrawing from conquered territory generally. In addition to the sources and studies cited above, the reader is further directed to many articles in early volumes of *Techumin* (2, 4-5, 8, 10 and 15-17) and to R. Shaul Yisraeli’s *Eretz Chemda*, vol. 1, 1:1-11.

1. See *Eretz* *Ha-tzevi* (Beit El, 1995), a collection of his statements on this issue. [↑](#footnote-ref-2)
2. See R. Kalman Neuman, “*Bein Ortodoxia Modernit Be-Artzot Ha-berit Le-Tziyonut Datit Be-Yisrael: Hashpa’at Ha-Rav Soloveitchik al Emdot Ha-tzibbur Ha-dati Be-Yisrael*,” *Rabbi in the New World: The Influence of Rabbi J. B. Soloveitchik on Culture, Education, and Jewish Thought* (Jerusalem, 2010), 471-489; R. Kalman Neuman, *Territorial Concessions as an Issue of Religion and State* (Hebrew; Jerusalem, 2013), available at: http://en.idi.org.il/media/2108337/PP96.pdf; and R. Yair Kahn and R. Kalman Neuman, “A Rabbinic Exchange on the Disengagement: A Case Study in R. Aharon Lichtenstein’s Approach to *Hilkhot Tsibbur*,” *Tradition* 47:4 (2015), 157-187. [↑](#footnote-ref-3)
3. See, for example, R. Yehoshua Menachem Ehrenberg in “*Ha-shetachim Ha-meshuchrarim U-mitzvat Pikuach Nefesh*,” *Shana Be-shana*, 5730 (1970), 138-140 and *Teshuvot Devar Yehoshua* 2:48; R. Avraham Elkana Shapira, “*Hachzarat Shitchei Eretz Yisrael*,” *Morasha* 9 (5735 [1975]), 15-21; R. Ya’akov Ariel, “*Ha-hebeitim Ha-hilkhatiyim shel Be’ayat Ha-nesiga Mi-shitchei Eretz Yisrael*,” *Morasha* 9 (5735 [1975]), 31-47 (reprinted in *Teshuvot Be-ohalah Shel Torah* 4:10); and, more recently, R. Avraham Yisrael Sylvetsky in “A Rabbinic Exchange on the Gaza Disengagement,” *Tradition* 40:1 (2007), 30-31. Also see *mori ve-rabbi* R. Herschel Schachter, “Land for Peace: A Halachic Perspective,” *Journal of Halacha and Contemporary Society* 15 (Fall 1988), 72-95, as well as R. Ahron Soloveichik, *Parach Mateh Aharon*, *Ahava,* 139-141.

R. Tzvi Yehuda Kook himself made a more radical claim. He suggested that attempts to force Jews off of the Land of Israel may constitute religious persecution (*shemad*), over which a Jew must sacrifice his or her life rather than submit (see, for example, *Eretz Ha-tzevi*, 23, 25-26). R. Shapira and R. Ariel, however, express reservations about this argument. Also see R. Neuman, *Territorial Concessions*, 56-58. [↑](#footnote-ref-4)
4. See, for instance, R. Ovadya Yosef, “*Hachzarat Shetachim Mei-Eretz Yisrael Bi-mkom Pikuach Nefesh*,” *Torah She-be’al Peh* 21 (1980), 12-20 (reprinted in *Masa Ovadya* [Jerusalem, 2007], 331-342); R. Yehuda Amital, “*Messer Politi o Messer Chinukhi*,” *Alon Shevut* 100 (Kislev 5743 [1982]), 34-54; R. J. David Bleich, “Judea and Samaria: Settlement and Return,” *Contemporary Halakhic Problems,* Vol. 2(New York, 1983), 189-221 and “Of Land, Peace, and Divine Command,” *Journal of Halacha and Contemporary Society* 16 (Fall 1988), 56-70; and R. Aharon Lichtenstein, “Compromise and Concession” (July 20, 1993), available at [http://www.gush.net/compromise and concession.htm](http://www.gush.net/compromise%20and%20concession.htm) and in “A Rabbinic Exchange on the Gaza Disengagement,” *Tradition* 40:1 (2007), 40-41. Also see R. Amnon Bazak, *“That You Shall Live by Them”—When Values Clash: A Study of the Sanctity of Life and the Integrity of the Land of Israel*, 3rd Ed. (Jerusalem, 1995), 43-52 and R. Kahn and R. Neuman, “A Rabbinic Exchange.” [↑](#footnote-ref-5)
5. See *Teshuvot Ha-Rashbash* (a descendant of the Ramban), 2, cited by *Pe’at Ha-shulchan* 1:3. Also see *Eretz Chemda*, Vol. 1, 1:1 for further discussion of this point. [↑](#footnote-ref-6)
6. See the Ramban’s epilogue to his Glosses to Rambam’s *Sefer Ha-mitzvot*. [↑](#footnote-ref-7)
7. See *Chiddushei Maran Riz Ha-Levi al Ha-Torah*, *Beshalach*, p. 32, as well as *Eretz Chemda*, Vol. 1, 1:11:2. [↑](#footnote-ref-8)
8. Letter to Professor Ernst Simon, 14 Cheshvan 5728 (17 November, 1967), published in R. Kahn and R. Neuman, “A Rabbinic Exchange,” 186-187. R. Soloveitchik had previously stated his position in a public lecture earlier that year. See R. Neuman, “*Hashpa’at Ha-Rav Soloveitchik*,” 480-482 and http://www.mesora.org/Rav-Disengagement.htm. [↑](#footnote-ref-9)
9. “What is the Meaning of *Reishit Tsemihat Ge’ullatenu*?” Trans. K. Fish, *Tradition* 39:3 (2006), 9-10; available at: http://www.vbm-torah.org/yyerush/yeru65-rya.htm. [↑](#footnote-ref-10)
10. “*Lo Ha-kol Halakha*,” *Alon Shevut Bogrim* 13 (Shevat 5759 [1999]), 97. [↑](#footnote-ref-11)
11. See, for instance, *Bava Batra* 119a, as well as *shiur* #19. [↑](#footnote-ref-12)
12. See, for instance, R. Sylvetsky in “A Rabbinic Exchange on the Gaza Disengagement,” 30-31. [↑](#footnote-ref-13)
13. Also see Adam S. Ferziger, “Religious Zionism, *Galut*, and Global Jewry: Exploring ‘Gush’ Exceptionalism,” *How I Love Your Torah: Essays in Honor of Yeshivat Har Etzion on the Forty-Fifth Anniversary of Its Founding* (Alon Shevut, 2014), 111-141. [↑](#footnote-ref-14)
14. Reactions to the Israeli victory in 1967 are also instructive in this regard. Consider R. Soloveitchik’s comment later that year: “In my opinion, the greatest deliverance, and the greatest miracle, is simply that [God] saved the population of Israel from total annihilation.... Many mistakenly believe that the significance of the victory lies more in regaining the Western Wall than in the fact that two million Jews were saved and that Jewish sovereignty was saved” (translation by Dr. Arnold Lustiger; available at: http://www.mesora.org/Rav-Disengagement.htm). [↑](#footnote-ref-15)
15. See *Or Zarua* 2:38. [↑](#footnote-ref-16)
16. Also see R. Shalom Carmy, “On Complexity and Clarity,” *Jewish Action* 76:1 (Fall 2015), 38-41. [↑](#footnote-ref-17)
17. Also see R. Bazak, *“That You Shall Live by Them,”* 67. [↑](#footnote-ref-18)
18. “Address on the Disengagement,” published 29 June, 2005; available at: http://www.kipa.co.il/now//5669.html. [↑](#footnote-ref-19)
19. R. Cherlow prefaces this remark with an assessment that “the plan [to withdraw from Gaza] was not formed out of a presumption that we bear responsibility towards the Land of Israel.” R. Lichtenstein, on the other hand, refrains from passing any judgment on the withdrawal plan. Regarding our underlying responsibility towards the Land, however, see his “Compromise and Concession.” [↑](#footnote-ref-20)
20. See note #4 above. Notably, according to R. Ovadya, only “imminent danger of war” is taken into account in this regard. On this point, see R. Kahn and R. Neuman, “A Rabbinic Exchange,” 169-173. [↑](#footnote-ref-21)
21. Ilan Marciano, “*Ha-Rav Ovadya: Ha-hitnatkut — Sakana; Chayavim Le-hatzbia Neged*,” Ynet (May 2, 2004), available at: http://www.ynet.co.il/articles/0,7340,L-2910345,00.html. [↑](#footnote-ref-22)